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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 ERIC GRIFFIN,

10 *Petitioner,*

11 vs.

12 RUSHINS,

13 *Respondent.*

14 2:11-cv-01181-PMP-PAL

15 ORDER

16 Petitioner has submitted an application (#1) to proceed *in forma pauperis* and a habeas
17 petition.

18 The matter has not been properly commenced because the pauper application does
19 not include all required attachments. Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2,
20 the petitioner must attach both an inmate account statement for the past six months and a
21 properly executed financial certificate. Petitioner did not submit an inmate account statement
22 for the past six months. Moreover, the signature on the financial certificate appears suspect.

23 The application therefore will be denied, and the present action will be dismissed
24 without prejudice to the filing of a new petition in a new action with a pauper application on the
25 proper form with all required attachments.

26 IT THEREFORE IS ORDERED that the application (#1) to proceed *in forma pauperis*
27 is DENIED and that this action shall be DISMISSED without prejudice to the filing of a new
28 petition in a new action with a new pauper application with all required attachments.

1 IT FURTHER IS ORDERED that a certificate of appealability is DENIED as to the
2 dismissal without prejudice.

3 IT FURTHER IS ORDERED that the Clerk of the Court shall send petitioner two copies
4 of an application form to proceed *in forma pauperis* for incarcerated persons and one copy of
5 the instructions for the form, together with a copy of the papers that he submitted in this
6 action.

7 The Clerk of the Court shall enter final judgment accordingly, dismissing this action
8 without prejudice.

9 DATED: July 21, 2011.

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12 PHILIP M. PRO
United States District Judge
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